



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **[Docket Number FRA-2012-0077]**

#### **Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 28, 2012, the Orrville Railroad Heritage Society, Inc. (ORHS) of Orrville, OH, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses). FRA assigned the petition Docket Number FRA-2012-0077.

ORHS has petitioned for a permanent waiver of compliance for three passenger cars, numbered RPCX 101 (named “William B Baer”), RPCX 102 (named “HH Wade”), and RPCX 103 (named “Robert S Bixler”), each manufactured as a coach car by The Budd Company. RPCX 101 (a 60-seater built in 1947), RPCX 102 (a 56-seater built in 1947), and RPCX 103 (a 68-seater built in 1946) have operated since 1985, 1986, and 1986, respectively. They are on lease for passenger excursions that are limited to regional railroads, namely Buffalo and Pittsburgh Railroad, Columbia and Ohio River Railroad, Ohio Central Railroad (Genesee and Wyoming), and the Wheeling and Lake Erie Railway. The cars typically operate between 1,000 and 2,000 miles per year on

about six weekends at speeds 45 mph or less, mostly on single-track rail lines through areas largely rural in nature. When not being used, these cars are stored at the ORHS Pine Street Yard in Orrville, OH, on the Wheeling and Lake Erie Railway.

There are no end windows except for end doors. No Type I or Type II FRA-certified glazing is currently installed in the cars either in end windows or side windows. However, all windows, end and side, are ¼-inch panes of Duplate ASI PPG Safety Glass. ORHS states that barring one incident of vandalism on RPCX 101 in the spring of 2010 when the car was in storage—resulting in one cracked window—there has been no accident or injury attributed to window glazing of these cars came under their present ownership in 1985. ORHS states that besides the prohibitive cost (approximately \$33,600 for RPCX 101; \$32,200 for PRCX 102; and \$33,800 for RPCX 103) involved in retrofitting the cars with FRA-certified glazing, side-lining the cars for this purpose will be catastrophic because most of its revenue comes from the operation of these cars on steam and diesel powered excursions. Therefore, ORHS is requesting this relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing

in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov/>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W12-140, Washington, D.C. 20590.
- Hand Delivery: 1200 New Jersey Avenue, S.E., Room W12-140, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the

Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78),  
or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on December 17, 2012.

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Deputy Associate Administrator  
for Regulatory and Legislative Operations

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